

THE SECRETARY OF STATE

WASHINGTON

July 11, 1991

Dear Dante:

We have discussed several times the request of the Subcommittee on International Economic Policy and Trade for certain State Department documents. I appreciate the way in which we have been able to work together to resolve this matter.

Although we believe that the President could assert executive privilege with regard to several of the documents requested by the Subcommittee, we do not wish to engage in a constitutional confrontation over this matter. I have previously undertaken to deliver or make available all State Department generated documents which are under our control and reachable by subpoena. We have discussed the fact that certain documents would be available in accordance with special procedures followed by the Intelligence Community and that other documents, because of their sensitive nature, would be made available on a limited access basis.

We have made an extraordinary effort to search and review our files for materials on Iraq to meet the Subcommittee's needs and those of several other Congressional and GAO requesters. In order to respond, we have had to collect and review documents from numerous Department offices as well as from federal records centers. We have expended over 3,000 hours in this effort and have worked closely with other Executive Branch agencies to ensure a comprehensive response. Indeed, as I have said to you, we have nothing whatsoever to hide regarding this policy area.

The Honorable
Dante B. Fascell,
Chairman,
Committee on Foreign Affairs,
House of Representatives.

We are at the end of our document production for the Subcommittee and have been completely forthcoming in our response. In responding fully to the Subcommittee's request, we have already made available for the Subcommittee more than 1,200 documents. And we stand ready to make available the last 38 documents under special arrangements that provide the Subcommittee with the information it needs to carry out its responsibilities while protecting the sensitivity of these materials. These 38 documents include high-level, executive branch deliberative communications as well as extremely sensitive diplomatic communications and intelligence information.

In our conversation of July 8, we offered the following procedures for protecting the sensitive materials in these 38 documents. We would provide these documents to the appropriate individuals for review (but not retention) whenever requested. Of these documents, 25 would be reviewed by Members and one majority and one minority staff members who possess the requisite security clearances. We offered for review by Members only five documents requested to be so handled by the Intelligence Community, and one document reporting on a Congressional meeting with Saddam Hussein. We offered for review by you and Mr. Broomfield only the remaining seven documents, which relate to sensitive interagency deliberations of various committees and subcommittees of the National Security Council. This recognizes the fact that the process of interagency NSC deliberations is central to providing foreign policy advice to the President.

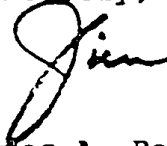
After further discussion with you, I can now confirm that we will expand the cleared staff access to the 25 documents to include review by two majority and two minority staff members who possess the requisite security clearances. Five intelligence-related documents and the report on the Congressional meeting will be made available to Members and one majority and one minority staff members who possess the requisite security clearances. As we discussed, the Administration feels strongly that the remaining seven documents be viewed only by you, as Chairman, and by Mr. Broomfield, the ranking member of the Committee. However, in response to your concerns, we will make these documents available to Subcommittee Chairman Gejdenson and Ranking Member Roth as well.

I want to stress again, Mr. Chairman, that you, Mr. Broomfield, Mr. Gejdenson, and Mr. Roth will thus have full access to all relevant State Department information. No such information will be withheld. I am glad to confirm with you that these arrangements will satisfy the Committee's request with no need for a subpoena.

Because of the sensitivity of the documents requested, I trust that I can count on the Committee to protect the confidentiality of all the materials we are providing. Our ability to carry out diplomatic and intelligence activities and to receive candid advice would be irreparably harmed if these materials were to be discussed publicly.

Mr. Chairman, we have made, and will continue to make, every effort to provide Members with the information they need to fulfill their responsibilities. Because of the unique circumstances involved, we have provided the Committee with an unprecedented amount of information of unparalleled sensitivity. I appreciate your cooperation and understanding.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim", written over the printed name.

James A. Baker, III